

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 1999-211-T - ORDER NO. 2000-0066
JANUARY 17, 2000

IN RE: Application of Harp Moving and Trucking,) ORDER GRANTING
Inc., 213 Ponderosa Road, Summerville, SC) CLASS E
29483, for a Class E Certificate of Public) CERTIFICATE
Convenience and Necessity.)

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This matter comes before the Public Service Commission of South Carolina (the “Commission”) on the Application of Harp Moving and Trucking (“Harp Moving” or “Applicant”), 213 Ponderosa Road, Summerville, South Carolina 29483 for a Class E Certificate of Public Convenience and Necessity to transport household goods as follows:

Household Goods, As Defined in R.103-210(1):

Between points and places in South Carolina.

The Commission’s Executive Director instructed Harp Moving to publish a Notice of Filing in a newspaper of general circulation in the service area desired. The Notice of Filing instructed the public as to how to file pleadings to participate in the proceedings on the Application. Petitions to Intervene were received Dale J Cook Moving & Storage, Inc.; Arrow Moving & Storage, Inc.; Carey Moving & Storage of Greenville, Inc.; Carey Moving & Storage, Inc.; Chavis Moving & Storage, Inc.; and McCoy’s Moving & Storage, Inc.

A hearing on the Application of Harp Moving was scheduled for December 15, 1999, at 10:30 A.M. Prior to the hearing, Harp Moving, after discussions with the Intervenors, agreed to downward amend its requested authority. In light of the agreed upon downward amendment to

the Application, all the Intervenors withdrew their interventions in the proceeding. The authority requested by Harp Moving following its downward amendment is as follows:

Household Goods, As Defined in R.103-210(1):

Between points and places in South Carolina excluding shipments originating in the following counties: Abbeville, Anderson, Beaufort, Cherokee, Chester, Greenwood, Greenville, Jasper, Kershaw, Lancaster, Laurens, Oconee, Pickens, Richland, Spartanburg, Union, and York.

The scheduled hearing on the Application as amended proceeded on December 15, 1999. The Honorable Philip T. Bradley presided. David Popwski, Esquire, of Charleston represented Harp Moving; Florence P. Belser, Staff Counsel, represented the Commission Staff. All of the Intervenors notified the Commission of their withdrawal of their respective interventions prior to the hearing, and therefore no Intervenors appeared at the hearing. Harp Moving presented Tom Harp and Ron Turner as witnesses. The Commission Staff presented no witnesses at the hearing.

Tom Harp, President of Harp Moving, testified that Harp Moving holds a Certificate of Compliance with the South Carolina Department of Public Safety for the transportation of freight. Mr. Harp stated that he has driven a truck for over 18 years and that he has approximately 8 to 10 years experience in the household goods moving industry. According to Mr. Harp he is seeking a certificate to transport household goods because he recognizes a need in the Summerville area as there are no household goods movers located in Summerville and only one located in Moncks Corner. Mr. Harp stated that he owns an auction business and is frequently asked to move household furnishings in connection with the auction business. Further, Mr. Harp testified that he has received requests for household goods moves, not associated with his auction business, which he has had to refuse.

As for his ability to provide the requested services, Mr. Harp testified that he currently owns one 14 foot van and that he has a proposal from McElveen Pontiac GMC, a local automobile and truck dealership, for a 1995 Ford truck. According to Mr. Harp, he has the financial ability to purchase the necessary equipment needed for his proposed enterprise. Mr. Harp stated that he has the necessary insurance in place and provided a copy of his certificate of insurance as proof. As further evidence of ability, Mr. Harp stated that he possess a CDL (Commercial Driver's License) and that he has 5 employees who will work in the moving business.

As to fitness to provide the requested services, Mr. Harp stated that he is familiar with the safety rules and regulations and that he agrees to operate in compliance with the Commission's rules and regulations, including safety regulations. Mr. Harp also testified that he has no outstanding judgments pending and that he will be undergoing a safety profile and inspection from the South Carolina Department of Public Safety in order to obtain a safety rating.

Mr. Harp's willingness to provide the requested services is evidenced by his filing the application and by his testimony at the hearing. Further, Mr. Harp stated that he identified a need for the proposed services in the Summerville area, and he has verbally and by his actions expressed the desire and willingness to serve that need.

Ron Turner, a loan broker with Old Town Broker and a real estate broker with Century 21 in Goose Creek, appeared on behalf of Harp Moving and testified as to the need for the proposed services. Mr. Turner stated that he has been in the real estate business since 1978 and that he is primarily a residential mortgage broker. Mr. Turner offered that Harp Moving's application is a valid application and should be approved. According to Mr. Turner, the

economic development in the Charleston area is growing as businesses are moving to the area “by leaps and bounds.” Mr. Turner offered his opinion that there exists a need in the area for additional moving services.

S.C. Code Ann Section 58-23-590(C)(Supp. 1998) states that the Commission shall issue a common carrier certificate of public convenience and necessity if the applicant proves to the Commission that: (1) it is fit, willing, and able to properly perform the proposed service and comply with the provisions of this chapter and the Commission’s regulations and (2) the proposed service, to the extent to be authorized by the certificate or permit, is required by the present public convenience and necessity.

Upon consideration of this matter, we find that the Applicant, Harp Moving, has demonstrated that it is fit, willing, and able to perform the services sought by amended Application. The testimony of Mr. Harp reveals that Harp Moving is fit, willing, and able under the standards contained in 26 S.C. Regs. 103-133. Further, we find that the testimony of Mr. Harp and Mr. Turner indicate that the proposed service is required by the present public convenience and necessity.

Based upon the record before the Commission and the statutory requirements along with the guidelines contained in the Commission’s regulations, we find sufficient evidence to grant the amended application and therefore grant authority to Harp Moving a Class E Certificate of Public Convenience and Necessity for the movement of household goods as follows:

Household Goods, As Defined in R.103-210(1):

Between points and places in South Carolina excluding shipments originating in the following counties: Abbeville, Anderson, Beaufort, Cherokee, Chester, Greenwood, Greenville, Jasper,

Kershaw, Lancaster, Laurens, Oconee, Pickens, Richland,
Spartanburg, Union, and York.

This grant of authority is contingent upon compliance with all Commission regulations as outlined below.

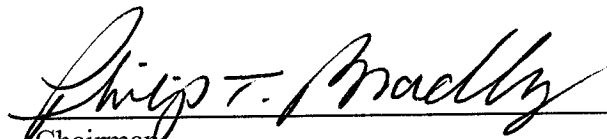
IT IS THEREFORE ORDERED THAT:

1. The application of Harp Moving for a Class E Certificate of Public Convenience and Necessity be, and hereby is, approved for authority to transport household goods between points and places in South Carolina excluding shipments originating in the following counties: Abbeville, Anderson, Beaufort, Cherokee, Chester, Greenwood, Greenville, Jasper, Kershaw, Lancaster, Laurens, Oconee, Pickens, Richland, Spartanburg, Union, and York.
2. The Applicant file the proper license fees and other information required by S.C. Code Ann. Section 58-23-10 et seq. (1976), as amended, and by R.103-100 through R.103-241 of the Commission's Rules and Regulations for Motor Carriers, S.C. Code Ann. Vol. 26 (1976), as amended, and R.38-400 through 38-503 of the Department of Public Safety's Rules and Regulations for Motor Carriers, S.C. Code Ann. Vol. 23A (1976), as amended within sixty (60) days of the date of this Order, or within such additional time as may be authorized by the Commission.
3. Upon compliance with S.C. Code Ann. Section 58-23-10, et. seq. (1976), as amended, and the applicable Regulations for Motor Carriers, S. C. Code Ann. Vol. 26 (1976), as amended, a certificate shall be issued to the Applicant authorizing the motor carrier services granted herein.

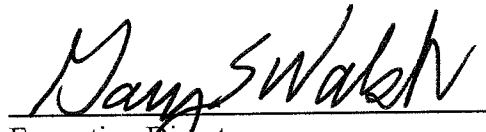
4. Prior to compliance with such requirements and receipt of a certificate, the motor carrier services authorized herein may not be provided.

5. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director

(SEAL)